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LEIBOWITZ & SPENCER
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MATTHEW L. LEIBOWITZ, P.A.
JOHN M. SPENCER, P.C.*
JOSEPH A. BELISLE
ANTHONY T. LEPORE

OF COUNSEL
SANFORD L. BOHRER
SID DAVIDOFF*
JEROME M. BECKER*
605 3RD AVENUE
34TH FLOOR
NEW YORK, N.Y. 10158

SUITE 1450
AMERIFIRST BUILDING
ONE SOUTHEAST THIRD AVENUE
MIAMI, FLORIDA 33131-1715
TELEPHONE (305) 530-1322
TELECOPIER (305) 530-9417

SUITE 500
1000 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 293-4093
TELECOPIER (202) 872-0604

* NOT ADMITTED TO
FLORIDA BAR

July 22, 1992

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Petition to Amend FM Table of Allotments
Okeechobee and Indiantown, Florida
Our File No. 61010

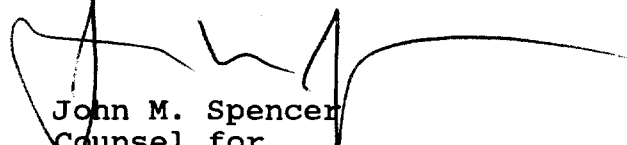
Dear Ms. Searcy:

On behalf of Okeechobee Broadcasters, Inc., licensee of station WOKC-FM, Okeechobee, Florida, enclosed please find an original and four copies of a petition for rule making to amend the FM Table of Allotments as follows:

- (a) reallocate channel 276C2 from Okeechobee, Florida, to Indiantown, Florida, and
- (b) modify the license of WOKC-FM to specify operation on channel 276C2 at Indiantown.

If any additional information is desired, please communicate with the undersigned.

Respectfully submitted,


John M. Spencer
Counsel for
Okeechobee Broadcasters, Inc.

Encls. (5)

JMS:hs

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In the Matter of)
)
Amendment of Rule 73.202(b)) RM-
Table of Allotments,)
FM Broadcast Stations)
(Indiantown, Florida))

PETITION FOR RULE MAKING

2. WOKC-FM is presently licensed to operate on channel 276A at Okeechobee, Florida. However, in MM Docket No. 89-434 the Commission substituted channel 276C2, Report and Order, 7 FCC Rcd 1970 (1992). An application to effectuate this upgrade is pending before the FM Branch, File No. BPH-920527IH.

3. **Technical considerations.** By this petition Women proposes to change WOKC-FM's community of license from Okeechobee to Indian-town.¹ Since this proposal entails no change in the presently specified reference coordinates, it continues to comply with applicable separation requirements set out in Rule 73.207. Further, as set out in the attached Engineering Statement of James M. Johnson, the proposed allotment can easily provide 70 dBu service to the proposed community of license, in full compliance with Rule 73.315(a).²

4. **Section 307(b) considerations.** Indiantown is an unincorporated town and Census Defined Place located in central Martin County, Florida, about 30 miles south-southwest of Fort Pierce, Florida. The following table lists the populations of both Indian-town (CDP) and Martin County as reported by the U.S. Census Bureau (for 1960 through 1990) and projected by the University of Florida³ (for 2000 through 2020):

¹ In order to simplify this proposed change, Okeechobee proposes no change in the present reference coordinates for channel 276C2, namely North Latitude 27-12-55 and West Longitude 80-31-50.

² The present reference coordinates for the channel 276C2 allotment at Okeechobee are about 14 miles north of Indiantown. Moreover, as Mr. Johnson's Engineering Statement shows, Indiantown would also receive 70 dBu service from the facilities proposed in File No. BPH-920527IH.

³ County population projections are as reported in the 1991 Florida Statistical Abstract (25th Edition), compiled by the Bureau of Economic and Business Research, College of Business Administration, University of Florida, and published by the University of Florida Press.

	<u>Indiantown</u>	<u>Martin County</u>
1960	1,411	16,932
1970	2,283	28,035
1980	3,383	64,014
1990	4,794	100,900
2000		134,800
2010		164,200
2020		191,100

Indiantown residents receive local governmental services from Martin County. There are two public schools and one private school in the community, a branch of the Martin County Public Library, a volunteer fire department, an airport and nine churches. Indiantown has its own U.S. Post Office, and the postal ZIP code 34956. While the area's economy is primarily agricultural, industrial interests include an electric steel mill and a plastics molding plant. Indiantown businesses include the First State Bank of Indiantown, a walk-in medical treatment center open seven days per week, a 28-room hotel, and other businesses typical of a relatively isolated rural community. Communications services are provided by the independent Indiantown Telephone System, Inc., and the weekly Indiantown News. Civic organizations include the Indiantown Chamber of Commerce, Kiwanis, Jaycees, VFW, 4-H, PTO and Boy Scouts. Indiantown is not located in an Urbanized Area, but is a non-urban part of the Fort Pierce MSA.

5. The proposed allotment would provide Indiantown its first local broadcast service.

6. Okeechobee is located in Okeechobee County, which is adjacent to Martin County. The following table lists the populations of both Okeechobee and Okeechobee County as reported by the U.S. Census Bureau (for 1960 through 1990) and projected by the University of Florida (for 2000 through 2020):

	<u>Okeechobee</u>	<u>Okeechobee County</u>
1960	2,947	6,424
1970	3,715	11,233
1980	4,225	20,264
1990	4,943	29,627
2000		37,700
2010		44,500
2020		50,900

Okeechobee is not located in either an Urbanized Area or a Metropolitan Statistical Area.

7. In addition to WOKC-FM, Okeechobee is served by two local stations: (a) commonly owned WOKC, a class D AM station which operates on 1570 kHz with one kilowatt of power, and (b) non-commercial FM station WWFR.

8. Reallotment of channel 276C2 as proposed would foster the fair, efficient and equitable distribution of broadcast service mandated by Section 307(b) of the Communications Act of 1934, as amended, by giving two significant rural communities their own local transmission service, rather than concentrating three services in one community. Further, while in 1990 Okeechobee was slightly larger in population (by about three percent), for at

least the past three decades Indiantown has been growing much faster than Okeechobee, with a current growth rate more than twice as fast as Okeechobee.⁴ Moreover, Martin County (which contains Indiantown) has more than three times the population of Okeechobee County, and expert projections indicate Martin County will continue to grow faster than Okeechobee County over the next three decades. Neither Indiantown nor Okeechobee is located in an Urbanized Area.

9. Petitioner requests consideration under the provisions of Rule 1.420(i), in that the amended allotment would be mutually exclusive with the licensee's present co-channel allotment (0 km separation, whereas Rule 73.207 requires 190 km). This proposal therefore qualifies for consideration without subjecting Broadcasters to competing applications for the amended allotment.

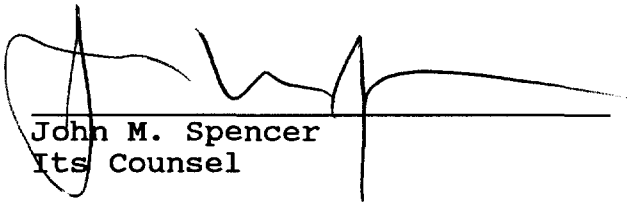
⁴ From 1980 to 1990 Indiantown grew by 41.7 percent (a 1,411 person increase), while Okeechobee grew by only 17.0 percent (a 718 person increase).

10. Accordingly, Broadcasters asks the Commission to initiate a rule making proceeding to reallocate FM channel 27.6 MHz from Okeechobee, Florida, to Indiantown, Florida, and to modify the license for WOKC-FM to specify operation on channel 27.6 MHz at Indiantown, Florida. If this amendment is made, Broadcasters intends to promptly file an appropriate application to implement the amended allotment.

Respectfully submitted,

OKEECHOBEE BROADCASTERS, INC.

By:



John M. Spencer
Its Counsel

Leibowitz & Spencer
One S.E. Third Avenue, Suite 1450
Miami, Florida 33131
(305) 530-1322

July 22, 1992

ENGINEERING EXHIBIT
PROPOSED RULEMAKING
OKEECHOBEE BROADCASTERS, INC.
RADIO STATION WOKC-FM
OKEECHOBEE, FLORIDA

RECEIVED
JUL 24 1992
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HAS: CHANNEL 276-C2, OKEECHOBEE, FL.

REQ: CHANNEL 276-C2, INDIANTOWN, FL.

JULY, 1992

EXHIBIT "EE"

ENGINEERING EXHIBIT
PROPOSED RULEMAKING
OKEECHOBEE BROADCASTERS, INC.
INDIANTOWN, FLORIDA

RECEIVED
JUL 24 1982
FCC MAIL ROOM

The Engineering Data contained herein, has been prepared on behalf of Okeechobee Broadcasters, Inc., licensee of WOKC-FM, Okeechobee, Florida, in support of a Petition for Rulemaking to change the City of License to Indiantown, Florida and modify the license of WOKC-FM to reflect that change.

Studies were conducted and it was determined that the present reference site as well as the site used in the upgrade application would provide Indiantown with the required 70 dBu contour. Specifically, the reference coordinates are:

N. Lat: 27-12-55

W. Lon: 80-31-50

Exhibit 1 is a tabulation which shows the required separations from the proposed Indiantown Class "C2" reference location. In addition, Exhibit 2 shows the proposed coverage contours of the application for construction permit for the "C2" facilities of WOKC-FM.

The proposed WOKC-FM assignment is mutually exclusive with the current WOKC-FM assignment

Okeechobee is currently served by WOKC(AM) as well as non-commercial WWFR(FM).

EXHIBIT 1

JAMES M. JOHNSON & ASSOCIATES
3750 US 27 NORTH SEBRING FL 33870

ALLOCATION SITE
WOKC-FM, INDIANTOWN, FLORIDA

REFERENCE		CLASS C2	DISPLAY DATES
27 12 55 N		Current rules spacings	DATA 06-24-92
80 31 50 W		CHANNEL 276 -103.1 MHz	SEARCH 07-18-92

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
ALOPEN	276C2	Okeechobee	FL	0.0	0.00	190.0	-190.00 *
WOKCFM	276C2	Okeechobee	FL	314.6	0.66	190.0	-189.34 *
WOKCFM	276A	Okeechobee	FL	270.2	29.80	166.0	-136.20 *
WSGL.A	276C3	Naples	FL	224.5	169.18	177.0	-7.82 *
WLOQ.A	276C3	Winter Park	FL	328.4	172.22	177.0	-4.78 *
WQOL.C	279C2	Vero Beach	FL	7.1	58.04	58.0	0.04 <
ALOPEN	276C3	Naples	FL	222.1	177.16	177.0	0.16 <
ALOPEN	276C3	Winter Park	FL	327.0	178.47	177.0	1.47 <
WSGL	276A	Naples	FL	224.5	169.18	166.0	3.18
WDUV.A	277C	Bradenton	FL	282.5	194.61	188.0	6.61
WLOQ	276A	Winter Park	FL	331.3	176.00	166.0	10.00
DE277	277C	Bradenton	FL	280.2	205.46	188.0	17.46
WSHE	278C	Fort Lauderdale	FL	167.0	142.02	105.0	37.02
WMXJ	274C	Pompano Beach	FL	167.0	142.02	105.0	37.02
WDUV	277C1	Bradenton	FL	280.2	205.46	158.0	47.46

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PROPOSED CONTOURS
WOKC-FM, OKEECHOBEE, FLORIDA
CHANNEL 276-C2 50 KW 150 METERS
MAY, 1992

Scale in km

0 10 20 30 40

EXHIBIT 2

315°

45°

Proposed 70 dBu

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MAY 24 1992

270°

90°

LAKE
OKEECHOBEE

INDIANTOWN

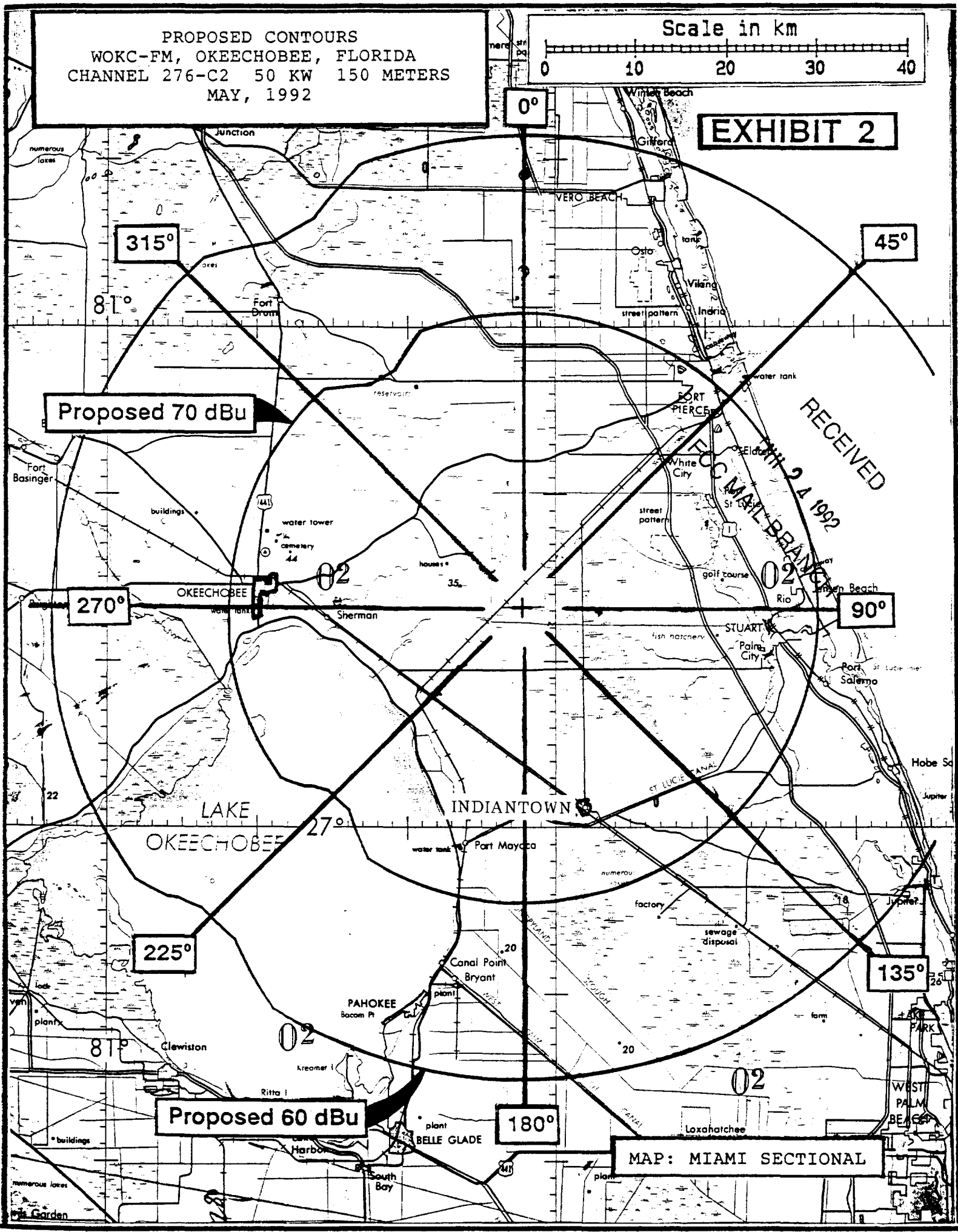
225°

135°

Proposed 60 dBu

180°

MAP: MIAMI SECTIONAL



AFFIDAVIT

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State of Florida)
) SS:
County of Palm Beach)


James M. Johnson, having been duly sworn, deposes and says that:

1. He is a Broadcasting Consultant practicing in the City of Palm Beach Gardens, Florida, and his qualifications are a matter of record with the Federal Communications Commission.

2. He has been retained by Okeechobee Broadcasters, Inc., to prepare the attached Engineering Exhibit.


3. He has prepared, or caused to be prepared under his immediate supervision, the accompanying exhibits which are attached to and form part of this affidavit.

4. The foregoing statements and the aforementioned exhibits are true to the best of his knowledge and belief.


James M. Johnson

Subscribed and sworn to this 20th day of July, 1992.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JULY 01, 1995
BONDED THRU HUCKLEBERRY & ASSOCIATES


Notary Public
Joseph A. Belisle III